

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

MICHAEL ELDER,)	
)	
Plaintiff,)	Case No.: 4:13-cv-00047
)	
v.)	<u>ORDER</u>
)	
CITY OF DANVILLE, VA and)	By: Hon. Jackson L. Kiser
OFFICER THOMPSON,)	Senior United States District Judge
)	
Defendants.)	

Before me is Defendant City of Danville's Motion to Dismiss for Failure to State a Claim [ECF No. 24]. Plaintiff Michael Elder ("Plaintiff"), who is proceeding *pro se*, was served with the Motion and a notice pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975). Plaintiff filed a response [ECF No. 30], the City of Danville replied [ECF No. 31], and Plaintiff filed an additional response without leave of court [ECF No. 33]. I have thoroughly reviewed all the filed pleadings and relevant arguments, and the matter is now ripe for decision. For the reasons stated in the accompanying Memorandum Opinion, I hereby **GRANT** the City's Motion to Dismiss. The City is **DISMISSED** from this action, and the case will proceed against Officer Thompson only.

The Clerk is directed to forward a copy of this Order and accompanying Memorandum Opinion to all parties and counsel of record.

Entered this 12th day of December, 2013.

s/Jackson L. Kiser
SENIOR UNITED STATES DISTRICT JUDGE